

STATE OF ALASKA SENATE

1989

Source

SR 10

Senate

Resolve No.

8



Establishing a Senate Special Committee on Mental Health.

BE IT RESOLVED BY THE SENATE:

WHEREAS the United States Congress granted 1,000,000 acres of land to the Territory of Alaska to be administered as a public trust for the necessary expenses and support of mental health in the territory; and

WHEREAS in October 1985 the Alaska Supreme Court determined that the 1978 decision of the Alaska Legislature to redesignate mental health trust land as general grant land had breached the trust established by the Congress; and

WHEREAS the Fourteenth Alaska State Legislature established a Joint Special Committee on Mental Health to develop a proposal to settle the mental health trust litigation; and

WHEREAS the settlement, which is embodied in Chapter 48, SLA 1987, sets out a procedure for reconstituting the trust with land currently in legislative designations that is determined to be equal in value to the original 1,000,000 acres of land granted by Congress, establishes a mental health trust income account funded by annual payments by the state in return for use of the mental health trust land and from which appropriations for the necessary expenses of the state's mental health program are to be made, and establishes a mental health board to assist the state in ensuring a comprehensive mental health program; and

WHEREAS, since enactment of Chapter 48, SLA 1987, valuation of the original 1,000,000 acres of land has been undertaken but has not been finalized despite the expenditure of more than \$2,800,000 for plaintiffs' and intervenors' costs, attorney fees, and other state costs; and

WHEREAS the mental health trust income account has been established, but a 1988 ruling by the state superior court that the mental health trust includes beneficiary groups not identified at the time the account was established has created considerable confusion in fully using the account; and

WHEREAS the Alaska Mental Health Board has been appointed and is operational but some persons feel that its membership does not reflect the additional beneficiary groups identified by the superior court; and

WHEREAS these problems in implementation of Chapter 48, SLA 1987, threaten the settlement of the litigation and the status of the original 1,000,000 acres of land, and may affect the state's operating budget;

BE IT RESOLVED by the Senate that a Senate Special Committee on Mental Health is established under Uniform Rule 21; and be it

FURTHER RESOLVED that the Senate Special Committee on Mental Health is composed of three members of the Senate appointed by the president of the Senate; and be it

FURTHER RESOLVED that the committee conduct oversight hearings on the implementation of the settlement of the mental health trust litigation, including the reconstitution of the mental health land trust, use of the mental health trust income account, the responsibilities and composition of the Alaska Mental Health Board, and other problems that might be brought to the committee's attention; and be it

FURTHER RESOLVED that the committee facilitate, to the extent possible, resolution of the problems hindering settlement; and be it

FURTHER RESOLVED that the committee is authorized to meet during and between sessions of the legislature; and be it

FURTHER RESOLVED that the committee terminates upon convening of the First Session of the Seventeenth Alaska State Legislature.